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AUTHORITY: 74 Stat. 734; 75 Stat. 220; 7 U.S.C. 591-599.

SOURCE: 26 FR 8934, Sept. 22, 1961, unless otherwise noted.

### DEFINITIONS

#### § 35.1 Act.

*Act or Export Grape and Plum Act* means "An Act to promote the foreign trade of the United States in grapes and plums, to protect the reputation of American-grown grapes and plums in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes" (74 Stat. 734; 75 Stat. 220; 7 U.S.C. 591-599).

#### § 35.2 Person.

*Person* means an individual, partnership, association, corporation, or any other business unit.

#### § 35.3 Secretary.

*Secretary* means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

#### § 35.4 Carrier.

*Carrier* means any common or private carrier, including, but not being lim-

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ited to, trucks, rail, airplanes, vessels, tramp or chartered steamers, whether carrying for hire or otherwise.

#### § 35.5 Package.

*Package* means any container of any variety of vinifera species table grapes.

[41 FR 32877, Aug. 6, 1976]

#### § 35.6 Shipment.

*Shipment* means one or more lots of any variety of vinifera species table grapes shipped or offered for shipment by any one person in a single conveyance to a foreign country regardless of the number of consignees, receivers, or ports of destination in that country.

[41 FR 32877, Aug. 6, 1976]

#### § 35.7 Certificate.

*Certificate* or *Certificate of Inspection* means any of the official forms of inspection certificate, bearing the statement "meets Export Grape and Plum Act," issued by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection of fresh fruits, vegetables, and other products (7 CFR part 2851<sup>1</sup>).

#### § 35.8 Date of export.

*Date of export* means the date of loading on board the exporting carrier on which movement of the grapes from the United States is effected. The date of the on board bill of lading (or loading tally sheet) shall be considered to be the date the grapes were loaded on board, unless an "on board" date is shown.

### REGULATIONS

#### § 35.11 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of any variety of vinifera species table grapes unless such grapes meet the following quality and container marking requirements applicable to the variety and destination specified:

(a) Any such variety for export to destinations in Japan, Europe (defined

<sup>1</sup>Part 2851 means redesignated as part 51 at 46 FR 63203, Dec. 31, 1981.